

SENATE BILL NO. 428

INTRODUCED BY L. MOSS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ADMISSIBILITY OF EVIDENCE OF SIMILAR CRIMES IN DRIVING UNDER THE INFLUENCE CASES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Evidence of similar crimes in driving under influence cases. (1) In a criminal case in which the defendant is accused of an offense of driving under the influence, evidence of the defendant's commission of another offense or offenses of driving under the influence is admissible and may be considered for its bearing on any matter to which it is relevant.

(2) In a case in which the prosecutor intends to offer evidence under this section, the prosecutor shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered by the omnibus hearing or at a later time as the court may allow for good cause.

(3) This section may not be construed to limit the admission or consideration of evidence under any other section of law or any rule.

(4) For the purposes of this section, "driving under the influence" means any conduct that constitutes an offense, past or present, in Montana or a violation of a similar statute or regulation in another state, in the United States, or on the reservation of a federally recognized Indian tribe that if committed in this state would be a violation of:

(a) 61-8-401, driving under the influence of alcohol or drugs;

(b) 61-8-406, operation of a noncommercial vehicle by a person with an alcohol concentration of 0.08 or more or operation of a commercial vehicle by a person with an alcohol concentration of 0.04 or more; or

(c) 61-8-410, operation of a vehicle by a person under 21 years of age with an alcohol concentration of 0.02 or more.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 45, chapter 16, part 2, and the provisions of Title 45, chapter 16, part 2, apply to [section 1].

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